

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**M.C.Y., A MINOR, by and through his natural
parents and guardians Joshua M. Youngblood
and Shelly D. Youngblood**

PLAINTIFFS

v.

CAUSE NO. 1:13CV403-LG-JCG

**GPCH-GP, INC., doing business as Garden
Park Medical Center, and JOHN AND
JANE DOES A, B, C, D, E, F, & G**

DEFENDANTS

**ORDER GRANTING MOTION TO STRIKE PLAINTIFF'S
DESIGNATION OF EXPERTS AND GRANTING
PLAINTIFF'S MOTION FOR A CONTINUANCE**

BEFORE THE COURT are the Motion to Strike Plaintiff's Designation of Experts [35] filed by the defendant, Garden Park, and the Motion for a Continuance [44] filed by the plaintiff, M.C.Y. Pursuant to Garden Park's request, the Court has expedited its consideration of the Motion to Strike, in an effort to provide Garden Park with a ruling on its Motion prior to its September 17, 2014, deadline for designating experts.¹ After reviewing the Motions, the record in this matter, and the applicable law, the Court finds that both Motions should be granted.

BACKGROUND

This is a medical malpractice case arising out of alleged injuries that M.C.Y. received at or before birth. On August 15, 2014, M.C.Y filed a Notice of Designation of Experts. Some of M.C.Y.'s experts noted the need to conduct additional testing

¹ Unfortunately, Garden Park waited over two weeks after receiving M.C.Y.'s Designation of Experts before filing its Motion to Strike [35] and Motion for Expedited Hearing [37]. As a result, the Court has had very little time to consider the pending Motions by the expedited date requested by Garden Park.

on M.C.Y. before more complete opinions could be provided. Garden Park filed a Motion to Strike M.C.Y.'s Designation of Experts on September 2, 2014, citing numerous deficiencies. In his response to the Motion to Strike, M.C.Y. corrected some of the deficiencies in the Designation of Experts, and he claimed that the remaining deficiencies could not be corrected until after additional testing was performed on M.C.Y. The necessary testing could not be performed on M.C.Y. until he reached age three, on August 15, 2014. M.C.Y. also requested a continuance, so that the testing could be performed to determine the extent of M.C.Y.'s alleged injuries.

DISCUSSION

The Court finds that the Motion to Strike M.C.Y.'s Designation of Experts should be granted, because M.C.Y. has admitted that his experts' opinions are incomplete due to the need for additional medical testing. Although counsel for the plaintiff should have notified the Court and counsel for Garden Park of this issue much earlier, the Court finds that the minor plaintiff should not be punished for the actions of his counsel and he should be given additional time to provide proper expert designations. As a result, the Court finds that a continuance should be granted, so that M.C.Y.'s expert designation can be completed. Counsel for the plaintiff is cautioned that it is unlikely that any additional extensions or continuances can be granted in this matter absent extraordinary circumstances.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion to Strike Plaintiff's Designation of Experts [35] filed by the defendant, Garden Park, is

GRANTED.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion for a Continuance [44] filed by the plaintiff, M.C.Y., is **GRANTED**. M.C.Y.'s expert designation deadline is extended to October 17, 2014. Garden Park's expert designation deadline is extended to November 17, 2014. The discovery deadline is extended to December 15, 2014. The dispositive motion deadline (which includes *Daubert* motions) is extended to January 5, 2015. The pretrial conference will be held on April 20, 2015, and the trial of this matter will be held during the trial calendar beginning on May 4, 2015.

SO ORDERED AND ADJUDGED this the 15th day of September, 2014.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief United States District Judge